



## Voluntary Prekindergarten (VPK) Education Program

### What is the Voluntary Prekindergarten (VPK) Education Program?

In 2004, the Legislature established the Voluntary Prekindergarten Education (VPK) Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.<sup>1</sup> A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program.<sup>2</sup> Parents may choose either a school-year or summer program offered by either a private prekindergarten provider or public school.<sup>3</sup> The child remains eligible for the VPK program until he or she is eligible for kindergarten in a public school or is admitted to kindergarten, whichever occurs first.<sup>4</sup> A child may not attend the summer VPK program earlier than the summer immediately before the academic year in which the child becomes eligible for kindergarten.<sup>5</sup>

<b>Voluntary Prekindergarten Education Programs</b>			
<b>Program Characteristics</b>	<b>School Year-Programs</b>		<b>Summer Program (s. 1002.61, F.S.)</b>
	<b>Private Provider (s. 1002.55, F.S.)</b>	<b>Public School (s. 1003.63, F.S.)</b>	
<b>Provider Type</b>	Private provider	Public school	Public school or private provider

<sup>1</sup> Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; s. 1(b) and (c), Art. IX of the State Constitution. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent for to 41 percent against. Section 1(b) and (c), Art. IX of the State Constitution; see Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Sept. 14, 2010).

<sup>2</sup> Section 1002.53(2), F.S.

<sup>3</sup> Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current individual education plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. The Florida Department of Education is responsible for approving public and private program providers. Section 4, ch. 2010-227, L.O.F., *codified at* s. 1002.66, F.S.; see also s. 1002.53, F.S. Once this program is implemented, children who participate in the program will be eligible to receive a McKay Scholarship to enroll in and attend a private school. Section 1002.39(2)(a)1., F.S.; see also McKay Scholarships for Students with Disabilities Program Fact Sheet.

<sup>4</sup> Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergartens. Section 1003.21(1)(a)2., F.S.; see also Kindergarten Admission and School Attendance Requirements Fact Sheet.

<sup>5</sup> Section 1002.61(2)(c), F.S.

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<b>Program Characteristics</b>	<b>School Year-Programs</b>		<b>Summer Program (s. 1002.61, F.S.)</b>
	<b>Private Provider (s. 1002.55, F.S.)</b>	<b>Public School (s. 1003.63, F.S.)</b>	
<b>Program Length</b>	540 instructional hours	540 instructional hours	300 instructional hours
<b>Class Size</b>	Four to 18 students	Four to 18 students	Four to 12 students <sup>6</sup>
<b>Prekindergarten Director Credential</b>	Required	Not required <sup>7</sup>	Private provider only
<b>Minimum Required Instructor Credential</b>	Child Development Associate (CDA) or equivalent	Child Development Associate (CDA) or equivalent	Florida-certified teacher or bachelor's or higher degree in early learning
<b>Second Instructor for Large Classes (credential not required)</b>	For classes of 11 or more students	For classes of 11 or more students	Not required

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK registration and enrollment in its county or multi-county service area.<sup>8</sup> Each ELC must coordinate with each school district in its service area to develop procedures for enrolling children in public school VPK programs.<sup>9</sup> Local oversight of individual VPK providers is split, with ELCs providing administration over privately provided programs and school districts administering public school programs.<sup>10</sup>

<sup>6</sup> Florida law requires a minimum of four students in each summer VPK class offered by a public school. However, the law also requires school districts to serve every eligible child whose parent enrolls them in the district's summer VPK program. Sections 1002.53(6)(b) and 1002.61(7), F.S. According to the Florida Department of Education, it is sometimes necessary for school districts to establish classes with fewer than four students in order to serve every child who seeks enrollment. Email, Florida Department of Education, Legislative Affairs Director (Sept. 28, 2010).

<sup>7</sup> The credentials of school-based administrators are accepted for this purpose. Email, Florida Department of Education, Legislative Affairs Director (Sept. 28, 2010).

<sup>8</sup> Sections 411.01(5)(c)1.e. and 1002.53(4)(a)-(b), F.S. Each ELC must serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months. There are currently 31 ELCs, which is the maximum permitted by law. Section 411.01(5)(a)2., F.S. Agency for Workforce Innovation, *Early Learning Coalition Directory*, <http://www.floridajobs.org/earlylearning/CoalitionDirectory2.htm> (last visited Sept. 15, 2010); see also School Readiness Program Fact Sheet.

<sup>9</sup> Sections 1002.53(4)(c), F.S.

<sup>10</sup> Sections 1002.53(6), 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

The Agency for Workforce Innovation (AWI), Department of Education (DOE), and Department of Children and Family Services (DCF) each play a role in state level oversight of the VPK program. As lead agency for Florida's school readiness system, AWI governs the day-to-day operations of the VPK program.<sup>11</sup> AWI oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK providers and monitors VPK providers for compliance with program requirements.<sup>12</sup>

DOE adopts kindergarten readiness standards, approves VPK curricula, oversees statewide kindergarten readiness screening, calculates kindergarten readiness rates, approves emergent literacy training courses and VPK director credentials, and specifies Child Development Associate (CDA) credentials<sup>13</sup> that qualify for articulation into college credit.<sup>14</sup> DCF administers the state's child care provider licensing program and posts VPK provider profiles on its website.<sup>15</sup>

### ***How are children enrolled in the VPK program?***

Parents may enroll their child in the VPK program by submitting an application to the ELC.<sup>16</sup> The ELC must determine the child's eligibility, conduct a parent orientation session, and provide the parent with a profile of eligible VPK providers in the county where the child is being enrolled.<sup>17</sup> The profile must include information regarding provider services, curricula, instructor credentials, instructor-to-student ratios, and kindergarten readiness rates.<sup>18</sup> The enrollment process is complete when the parent chooses a school-year or summer program offered by an eligible VPK provider and the child's enrollment is recorded by the ELC.<sup>19</sup>

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<sup>11</sup> Sections 411.01(4)(a) and 1002.75(1)-(2), F.S.

<sup>12</sup> Section 1002.75(2), F.S.

<sup>13</sup> The CDA credential is a child care credential issued by the Council on Professional Recognition. To obtain a CDA, an individual must be 18 years of age or older; hold a high school diploma or GED; have 480 hours of experience working with children and complete 120 clock hours of formal child care education within the past five years, and pass a CDA assessment. Council on Professional Recognition, *Obtaining a CDA Credential*, [http://www.cdacouncil.org/cda\\_obt.htm](http://www.cdacouncil.org/cda_obt.htm) (last visited Sept. 15, 2010).

<sup>14</sup> Sections 1002.57(1), 1002.59, 1002.67(1) and (2), 1002.73(2), and 1007.23(5), F.S.

<sup>15</sup> Sections 402.301-402.319, F.S.; see Florida Department of Children and Family Services, *Provider Search*, <http://dcfsanswrite.state.fl.us/Childcare/provider> (last visited Sept. 15, 2010).

<sup>16</sup> Section 1002.53(4)(a) and (b), F.S.; rule 60BB-8.201(1)(b), F.A.C. A pilot program conducted in 21 counties for the 2007-08 and 2008-09 academic years authorizes a parent to enroll a child directly with a VPK provider. The provider, rather than the ELC, determines child eligibility and conducts the parent orientations. Rule 60BB-8.2015(1) and (3), F.A.C. Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor Counties participated in this pilot program. Rule 60BB-8.2015(1), F.A.C. In July 2010, AWI noticed its intent to develop rules implementing this pilot program on a statewide basis. Vol. 36, No. 26, Fla. Admin. Weekly (Notice of Development of Rulemaking regarding rule 60BB-8.2015, F.A.C., dated July 2, 2010). Statutory authority relied upon for the pilot program established in rule 60BB-8.2015, F.A.C., is found in s. 1002.75(2)(a), F.S., which authorizes AWI to adopt procedures for enrolling children in the VPK program. Section 1002.75(2)(a), F.S.

<sup>17</sup> Section 1002.53(4)-(5), F.S.; rule 60BB-8.202(2)(a), (c) and (d), F.A.C.

<sup>18</sup> Section 1002.53(5)(a) and (b), F.S.; see rule 60BB-8.201(4)(a)4.-7., F.A.C.

<sup>19</sup> Section 1002.53(3) and (6), F.S.; rule 60BB-8.202(2)(a), (c) and (d), F.A.C. A private provider or public school is prohibited from charging any fees for the VPK program or from requiring a child to pay for any additional services as a condition of enrolling in the VPK program. Section 1002.71(8), F.S.

<b>Voluntary Prekindergarten Program Enrollment<sup>20</sup></b>					
<b>Program Year</b>	<b>Total Enrollment</b>	<b>School-Year Program</b>	<b>Summer Program</b>	<b>Population of 4-Year-Olds</b>	<b>Participation Rate</b>
2005-06	106,479	94,011	12,468	221,924	48.0%
2006-07	123,567	113,253	10,314	226,632	54.5%
2007-08	134,717	125,141	9,576	231,280	58.2%
2008-09	147,752	137,637	10,115	232,811	63.5%
2009-10	156,443	148,274	8,169	232,657	67.2%

### **What requirements must VPK providers meet in order to offer the VPK program?**

**The VPK program may be offered by either a private prekindergarten provider or a public school.** To offer the VPK program, a private prekindergarten provider must register with the ELC and must be a:

- ❖ Licensed child care facility;
- ❖ Licensed family day care home;
- ❖ Licensed large family child care home;
- ❖ Nonpublic school exempt from licensure; or
- ❖ Faith-based child care provider exempt from licensure.<sup>21</sup>

In addition, a private prekindergarten provider must:

- ❖ Be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation or the Florida Association of Academic Nonpublic Schools; or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools; and have written accreditation standards that meet the state's licensing requirements<sup>22</sup> and require at least one onsite visit before accreditation is granted;<sup>23</sup>

<sup>20</sup> Early Learning Programs Estimating Conference, Office of Economic and Demographic Research, *Voluntary Prekindergarten Education Estimating Conference Report*, at 2 (Aug. 5, 2010), available at [http://edr.state.fl.us/conferences/earlylearning/VPK\\_Results\\_8-5-10.pdf](http://edr.state.fl.us/conferences/earlylearning/VPK_Results_8-5-10.pdf).

<sup>21</sup> Sections 1002.55(3)(a) and (h), F.S.; see also rule 60BB-8.300(3), F.A.C.; s. 402.305, F.S. (child care facilities licensing); s. 402.313, F.S. (family day care homes licensing); s. 402.3131, F.S. (large family child care homes licensing); s. 402.316, F.S. (faith-based provider exempt from licensure).

<sup>22</sup> Section 1002.55(3)(b)1., F.S.; see *supra* note 21 (child care provider licensing requirements).

<sup>23</sup> Section 1002.55(3)(b)1., F.S.; see also National Council for Private School Accreditation, <http://www.ncpsa.org> (last visited Sept. 15, 2010); Florida Association of Academic Nonpublic Schools, <http://www.faans.org> (last visited Sept. 15, 2010); Southern Association of Colleges and Schools, <http://www.sacs.org/> (last visited Sept. 15, 2010); Western Association of Colleges and Schools, <http://www.acswasc.org/> (last visited Sept. 15, 2010); North Central Association of Colleges and Schools, <http://www.northcentralassociation.org/> (last visited Sept. 15, 2010); Middle States Association of Colleges and Schools, <http://www.middlestates.org/> (last visited Sept. 15, 2010); New England Association of Colleges and Schools, <http://www.neasc.org/> (last visited Sept. 15, 2010).

- ❖ Hold a current Gold Seal Quality Care designation;<sup>24</sup> or
- ❖ Be licensed and demonstrate to the ELC that the provider meets the VPK program's statutory requirements.<sup>25</sup>

Unlicensed (registered) family day care homes<sup>26</sup> and informal child care providers<sup>27</sup> are not eligible to offer the VPK program.<sup>28</sup>

Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.<sup>29</sup> School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district's summer program.<sup>30</sup>

In the 2009-10 academic year, a total of 5,988 entities provided the VPK program. This number included 969 public schools, 28 nonpublic schools exempt from licensure, 4,743 licensed child care facilities, 78 licensed family day care homes, 40 licensed large family child care homes, and 130 faith-based child care providers exempt from licensure.<sup>31</sup>

### ***What instructor credentials are required for the VPK program?***

**School-Year Programs.** A private prekindergarten provider or public school offering a school-year VPK program must have for each class at least one instructor with the following credentials:

A CDA issued by the National Credentialing Program of the Council for Professional Recognition, plus five hours of training in emergent literacy;<sup>32</sup>

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<sup>24</sup> See s. 402.281, F.S.; rule 65C-22.009, F.A.C.; see also Florida Department of Children and Family Services, *Gold Seal Quality Care*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Sept. 15, 2010). DCF issues the Gold Seal Quality Care designation to child care facilities, large family child care homes, and family day care homes that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

<sup>25</sup> Section 1002.55(3)(b), F.S.

<sup>26</sup> If a family day care home is not required to be licensed under s. 402.313(1), F.S., the home must register with the DCF in accordance with s. 402.313(1)(a), F.S. To deliver the VPK program, a family day care home must be licensed. Section 1002.55(3)(a), F.S.

<sup>27</sup> Florida's state plan for federal school readiness programs defines "informal child care" as "[a]ny legal but non-regulated child care, subject to health and safety requirements, that is provided by a relative or non-relative in the child's home or other location." Agency for Workforce Innovation, *Florida State Plan for Child Care and Development Fund Services for FFY 2010-2011*, at 105 (2010), available at <http://www.floridajobs.org/earlylearning/Program.html>; see also School Readiness Fact Sheet.

<sup>28</sup> See s. 1002.55(3)(a), F.S.

<sup>29</sup> Sections 1002.61(3)(a) and (8)(a) and 1002.63(3) and (8)(a), F.S.

<sup>30</sup> Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

<sup>31</sup> Email, Agency for Workforce Innovation, Chief of Staff (Sept. 27, 2010).

<sup>32</sup> Sections 1002.55(3)(c)1.a. and 2., F.S.; see *supra* note 13. Emergent literacy includes oral communication, knowledge of print and letters, phonemic and phonological awareness (recognition that words are made up of sounds), and vocabulary and comprehension development. See ss. 1002.59 and 1002.67(1)(b), F.S. The emergent literacy training requirement does not apply to individuals who completed required training for staff of child care facilities, family day care homes, and large family child care homes licensed by DCF before the establishment of

A credential approved by DCF as being equivalent to or greater than the CDA, plus five hours of training in emergent literacy.<sup>33</sup> DCF rule specifies that an active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement;<sup>34</sup> or

One of the following:

- ❖ Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- ❖ Bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the teaching certificate is current;
- ❖ Associate's or higher degree in child development;
- ❖ Associate's or higher degree in an unrelated field, at least six credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through eight years of age; or
- ❖ An educational credential approved by DOE as being equivalent to or greater than any of these educational credentials.<sup>35</sup>

In addition, a public school or private provider offering a school-year VPK program must have a second adult instructor for each class of 11 or more students; however, the second instructor is not required to have the same qualifications as the lead instructor.<sup>36</sup>

A VPK provider may assign a substitute instructor to teach a school-year VPK class when the lead instructor is absent.<sup>37</sup> If the substitute instructor does not hold any of the credentials authorized for lead instructors, he or she must, at a minimum, hold an associate's or higher degree in any field of study, a CDA, a CDA-equivalent credential, complete specified DCF child care training courses, or meet the local school district's requirements for employment as a

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emergent literacy training courses or April 1, 2005, whichever occurred later. Section 1002.55(3)(c)2., F.S.; see ss. 402.305(2)(d)5., 402.313(6), 402.3131(5), F.S.

<sup>33</sup> Section 1002.55(3)(c)1.b. and 2. and (4), F.S.; see *supra* note 32 (exception to the emergent literacy training requirement).

<sup>34</sup> Rule 65C-22.003(7), F.A.C.

<sup>35</sup> Section 1002.55(4), F.S. On June 21, 2005, the State Board of Education adopted equivalent educational credentials for VPK instructors. Among others, these credentials include bachelor's or higher degrees in Exceptional Student Education, Special Education, Mental Disabilities, Specific Learning Disabilities, Physically Impaired, Varying Exceptionalities, Emotional Disabilities, Visually Impaired, Hearing Impaired, Speech-Language Pathology. See Florida Department of Education, *Equivalent Credentials for VPK Instructors: An Overview and Recommendations* (June 21, 2005), available at <http://www.fldoe.org/earlylearning/pdf/vpkeqcrd.pdf> (attachments listing bachelor's and associate's degrees available at <http://www.fldoe.org/earlylearning/pdf/vpkeqcredatt1.pdf> and <http://www.fldoe.org/earlylearning/pdf/vpkeqcredatt2.pdf>).

<sup>36</sup> Sections 1002.55(3)(f) and 1002.63(7), F.S.

<sup>37</sup> Sections 1002.55(3)(e) and 1002.63(6), F.S.

substitute teacher.<sup>38</sup> A substitute instructor may not be assigned for more than 30 percent of the program hours.<sup>39</sup>

**Summer Programs.** A private provider or public school offering a summer VPK program must have for each class a Florida-certified teacher or at least one instructor with the following credentials:

- ❖ Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- ❖ Bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the teaching certificate is current.<sup>40</sup>

Like the school-year VPK program, substitute instructors may be assigned to teach a summer VPK class when the lead instructor is absent.<sup>41</sup> If the substitute instructor does not hold any of the credentials authorized for lead instructors, he or she must hold an associate's or higher degree in any field of study or a CDA or equivalent credential.<sup>42</sup> A substitute instructor may not be assigned for more than 30 percent of the program hours.<sup>43</sup>

### ***What are the background screening requirements for VPK instructors?***

Each VPK instructor, including substitute instructors, must be of good moral character, may not be ineligible to teach in a public school because of a suspended or revoked teaching certificate, and must pass a level 2 background screening before employment, which must be repeated at least once every five years.<sup>44</sup> Background screening requires a local criminal records check conducted by local law enforcement<sup>45</sup> and fingerprinting, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks

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<sup>38</sup> Rule 60BB-8.410(2)(b)2., F.A.C. Substitute instructors who hold a CDA, CDA-equivalent credential, or an associate's or higher degree in a field not related to early learning are not required to complete the additional training and teaching experience requirements that individuals who hold these credentials must complete to be a lead instructor. Rule 60BB-8.410(2)(b)1. and 2.a., F.A.C.; Telephone interview with Agency for Workforce Innovation, Office of Early Learning staff (Oct. 11, 2010). The DCF child care courses that a substitute instructor may complete include introductory child care training for child care facility employees, as well as training specific to large family child care home or family daycare home employees. Rule 60BB-8.410(2)(b)2.b.-d., F.A.C.

<sup>39</sup> Rule 60BB-8.410(4), F.A.C.

<sup>40</sup> Section 1002.61(4), F.S.; *see also* s. 1002.55(4)(a) and (b), F.S. (list of educational credentials authorized for instructors in summer VPK program).

<sup>41</sup> Section 1002.61(6), F.S.

<sup>42</sup> Rule 60BB-8.410(2)(b)1., F.A.C.; *see supra* note 38 (distinction between lead instructor and substitute instructor credential requirements).

<sup>43</sup> Rule 60BB-8.410(4), F.A.C.

<sup>44</sup> Sections 1002.55(3)(d) and (e), 1002.61(5) and (6), and 1002.63(5) and (6), F.S.; rule 60BB-8.410(2), F.A.C.

<sup>45</sup> Under s. 435.04(1)(a), F.S., the local criminal records check is optional. Form AWI-VPK 20, the statewide VPK program provider agreement, which is incorporated by reference in Rule 60BB-8.301, F.A.C., requires the local criminal records check. Agency for Workforce Innovation, *State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement, Form AWI-VPK 20*, at 2 (Feb. 2007), available at [http://www.floridajobs.org/earlylearning/documents/Form%20AWI-VPK%2020%20Provider%20Agreement\\_%2002-14-2007.pdf](http://www.floridajobs.org/earlylearning/documents/Form%20AWI-VPK%2020%20Provider%20Agreement_%2002-14-2007.pdf).

through the Federal Bureau of Investigation.<sup>46</sup> A VPK provider may not employ an instructor who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any one of 51 specified criminal offenses.<sup>47</sup>

### ***What are the curricular requirements for the VPK program?***

Each private provider and public school may select or design its own curriculum,<sup>48</sup> which must:

- ❖ Be developmentally appropriate;
- ❖ Be designed to prepare a student for early literacy;
- ❖ Enhance the age-appropriate progress of students in attaining DOE's adopted VPK performance standards; and
- ❖ Prepare students to be ready for kindergarten based upon the statewide kindergarten screening.<sup>49</sup>

However, if a low-performing private provider or public school is placed on probation because its kindergarten readiness rate falls below the minimum satisfactory rate established by the State Board of Education for two consecutive years, the provider or school must use a curriculum approved by DOE.<sup>50</sup>

### ***What is the statewide kindergarten screening?***

Within the first 30 school days of each academic year, school districts must screen each kindergarten student to determine his or her readiness for kindergarten.<sup>51</sup> DOE has adopted the Florida Kindergarten Readiness Screener (FLKRS) for this purpose.<sup>52</sup> FLKRS is composed of two screening instruments:

- ❖ A subset of the Early Childhood Observation System (ECHOS), which is an observational instrument used to monitor the skills, knowledge, and behaviors a student demonstrates or needs to develop. Skills, knowledge, and behaviors measured include language and literacy, mathematics, social and personal skills, science, social studies, physical development and fitness, and creative arts; and

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<sup>46</sup> Section 435.04(1), F.S. The state portion of the background check is completed by the Florida Department of Law Enforcement, which then forwards the instructor's fingerprint card to the Federal Bureau of Investigation for completion of the national check. See Florida Department of Law Enforcement, *Criminal History Checks/Background Checks Fact Sheet*, at 15 (Aug. 1, 2010), available at [http://www.fdle.state.fl.us/Content/getdoc/7d5f44ab-80e7-4c20-92f9-688ca5336c29/BackgroundChecks\\_FAQs\\_080110\\_Final.aspx](http://www.fdle.state.fl.us/Content/getdoc/7d5f44ab-80e7-4c20-92f9-688ca5336c29/BackgroundChecks_FAQs_080110_Final.aspx).

<sup>47</sup> Section 435.04(2), F.S.; ss. 435.06, 1002.55(3)(d), 1002.61(5) and 1002.63(5), F.S. However, the DCF may, under certain circumstances, grant exemptions from disqualifying offenses for VPK instructors of private providers. Sections 435.02(3) and 435.07, F.S.

<sup>48</sup> Section 1002.67(2)(a), F.S.

<sup>49</sup> Section 1002.67(2)(b), F.S..

<sup>50</sup> Section 1002.67(3)(c), F.S.; see *infra* text accompanying notes 60-70.

<sup>51</sup> Section 1002.69(1), F.S.

<sup>52</sup> Memorandum from Executive Director, Office of Early Learning, and Administrator, Office of Assessment, Florida Department of Education, to District Assessment Coordinators and Assistant Superintendents for Curriculum and Instruction, No. 08-06 (March 14, 2009), available at <http://www.fldoe.org/earlylearning/pdf/08-06FLKRSRegionalTrainingMemo.pdf>.



## Voluntary Prekindergarten (VPK) Education Program

- ❖ The Florida Assessments for Instruction in Reading-K (FAIR-K) developed by DOE in partnership with the Florida Center for Reading Research.<sup>53</sup> FAIR-K is comprised of a progress monitoring assessment of letter naming ability and phonemic awareness and a diagnostic assessment measuring listening comprehension and vocabulary.<sup>54</sup>

In academic years 2006-07 through 2008-09, the FLKRS consisted of the ECHOS component and the Letter Naming Fluency and Initial Sound Fluency parts of the Dynamic Indicators of Basic Early Literacy Skills (DIBELS).<sup>55</sup> Beginning in the 2009-10 academic year, DIBELS was replaced by FAIR-K.<sup>56</sup>

<b>Florida Kindergarten Readiness Screening Results 2006-07 to 2009-10</b>								
<b>ECHOS 2006-07 to 2009-10<sup>57</sup></b>								
<b>Academic Year</b>	<b>2006-07</b>		<b>2007-08</b>		<b>2008-09</b>		<b>2009-10</b>	
<b>Total Students</b>	184,124		180,351		178,917		182,534	
<b>Ready</b>	158,240	86%	158,257	88%	157,341	88%	161,561	89%
<b>Not Ready</b>	25,884	14%	22,094	12%	21,576	12%	20,973	11%
<b>VPK Completers</b>	64,812		83,160		95,173		103,943	
<b>Ready</b>	59,643	92%	77,699	93%	88,072	92.5%	96,601	93%
<b>Not Ready</b>	5,169	8%	5,461	7%	7,101	7.5%	7,342	7%

<sup>53</sup> Memorandum from Executive Director, Office of Early Learning, Florida Department of Education, to Interested Persons, No. 08-16 (Aug. 14, 2008), available at <http://www.fldoe.org/earlylearning/pdf/Memo08-16.pdf>; Florida Department of Education, *Kindergarten Assessment: History and Legislative Authority*, at 2 (Nov. 2, 2009), available at <http://www.fldoe.org/earlylearning/pdf/HistoryofKindergartenAssessment.pdf>.

<sup>54</sup> Florida Department of Education, *Florida Kindergarten Readiness Screener: 2009-10 Overview*, at 11 (June 2009), available at <http://www.fldoe.org/earlylearning/pdf/ogfo.pdf>.

<sup>55</sup> *Id.*

<sup>56</sup> Florida Department of Education, *Florida Kindergarten Readiness Screener*, <http://www.fldoe.org/earlylearning/FLKRS2009.asp> (last visited Oct. 8, 2010).

<sup>57</sup> Memorandum from Commissioner of Education to District School Superintendents (Jan. 6, 2010), available at [http://www.fldoe.org/news/2010/2010\\_06\\_01/Memo1-6-10.pdf](http://www.fldoe.org/news/2010/2010_06_01/Memo1-6-10.pdf).

<b>DIBELS: 2006-07 to 2008-09<sup>58</sup></b>						
<b>Readiness Status</b>	<b>DIBELS Letter Naming Fluency</b>			<b>DIBELS Initial Sound Fluency</b>		
	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>
<b>Total Students</b>	<b>183,894</b>	<b>180,675</b>	<b>185,279</b>	<b>179,351</b>	<b>184,866</b>	<b>199,715</b>
<b>Ready</b>	<b>71%</b>	<b>66%</b>	<b>68%</b>	<b>65%</b>	<b>74%</b>	<b>77%</b>
<b>Not Ready</b>	<b>29%</b>	<b>34%</b>	<b>32%</b>	<b>35%</b>	<b>26%</b>	<b>23%</b>
<b>VPK Completers</b>	<b>64,301</b>	<b>81,478</b>	<b>92,385</b>	<b>63,071</b>	<b>82,887</b>	<b>94,648</b>
<b>Ready</b>	<b>82%</b>	<b>72%</b>	<b>73%</b>	<b>70%</b>	<b>84%</b>	<b>86%</b>
<b>Not Ready</b>	<b>18%</b>	<b>28%</b>	<b>27%</b>	<b>30%</b>	<b>16%</b>	<b>14%</b>

In the 2009-10 academic year, a total of 195,368 students were administered FAIR-K. Sixty-five percent of these students demonstrated readiness for kindergarten. Out of 101,884 VPK program completers who participated in FAIR-K, 74 percent demonstrated readiness for kindergarten.<sup>59</sup>

### ***What is a kindergarten readiness rate?***

A kindergarten readiness rate is the percentage of a public school's or private provider's students who complete the VPK program<sup>60</sup> ready for kindergarten, as measured by the FLKRS.<sup>61</sup> A kindergarten readiness rate is calculated for each private prekindergarten provider or public school with at least four children who complete the VPK program and have screening results for both portions of the FLKRS.<sup>62</sup> A private prekindergarten provider's or public school's kindergarten readiness rate will be between 0 and 200 points.<sup>63</sup>

The state board adopts a minimum satisfactory kindergarten readiness rate,<sup>64</sup> and a private provider or public school is designated a low-performing provider or school if its readiness rate falls below the state board's minimum rate.<sup>65</sup> The state board may not set the minimum rate any higher than the rate at which 15 percent of the private providers and public schools in the VPK

<sup>58</sup> Email, Florida Department of Education, Legislative Affairs Director (Sept. 28, 2010).

<sup>59</sup> *Id.*

<sup>60</sup> A student is considered to have completed the VPK program if he or she attends the VPK program for 70 percent or more of the total number of instructional hours (*i.e.*, 378 hours of a 540-hour school-year program or 210 hours of a 300-hour summer program). Rule 6A-1.099821(3)(a), F.A.C.; *see also* Florida Department of Education, *VPK Provider Kindergarten Readiness Rate Website, Frequently Asked Questions*, <https://vpk.fldoe.org/InfoPages/FAQ.aspx#section4> (last visited Sept. 16, 2010) [hereinafter *Readiness Rate FAQs*].

<sup>61</sup> Section 1002.69(5), F.S. The "percent of children ready for kindergarten" is the number of children assessed as ready for kindergarten on each screening measure divided by the total number of the provider's or school's students screened. Rule 6A-1.099821(4)(c), F.A.C.; *see also Readiness Rate FAQs, supra* note 60.

<sup>62</sup> Rule 6A-1.099821(3)(a), F.A.C.

<sup>63</sup> Rule 6A-1.099821(4)(c), F.A.C.

<sup>64</sup> Section 1002.69(6)(a), F.S.

<sup>65</sup> Rule 6A-1.099821(6), F.A.C.

## Voluntary Prekindergarten (VPK) Education Program

program are designated as low-performing.<sup>66</sup> The minimum satisfactory kindergarten readiness rate for the 2008-09 academic year is 138 points.<sup>67</sup>

The accountability requirements for the VPK program require a low-performing private provider or public school to take progressively increasing action to improve the kindergarten readiness of its students each consecutive year that the provider or school is designated as low-performing:

- ❖ **First Year.** Submit and implement an improvement plan approved by the ELC or school district.
- ❖ **Second and Third Consecutive Year.** Probation, corrective actions including mandatory use of a curriculum approved by DOE.
- ❖ **Fourth Consecutive Year.** Removal from eligibility to offer the VPK program.<sup>68</sup>

The state board may grant a good cause exemption to a private prekindergarten provider or public school that remains on probation for two or more consecutive years. A provider or school issued a good cause exemptions may continue to offer, and receive state funding for, the VPK program. An exemption is effective for one year. Among other criteria, a private prekindergarten provider or public school must have served at least twice the statewide percentage of children with disabilities or children identified as limited English proficient to qualify for a good cause exemption.<sup>69</sup>

<b>Low Performing VPK Providers 2005-06 to 2008-09<sup>70</sup></b>				
	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Total Providers</b>	4,565	5,116	5,449	6,051
<b>Total Providers Rated</b>	3,772 (83%)	4,595 (90%)	4,962 (91%)	5,472 (90%)
<b>Total Low-Performing Providers</b>	556	689	733	787

<sup>66</sup> Section 1002.69(6)(b), F.S.

<sup>67</sup> Florida Department of Education, *Presentation to the State Board of Education, Final 2008-09 VPK Provider Kindergarten Readiness Rates: Setting the Minimum*, at 3 (March 26, 2010), available at [http://www.fldoe.org/board/meetings/2010\\_03\\_26/compliantvpk.pdf](http://www.fldoe.org/board/meetings/2010_03_26/compliantvpk.pdf).

<sup>68</sup> Section 1002.67(3)(c), F.S.

<sup>69</sup> Section 1002.69(7), F.S. Legislation authorizing the state board to grant good cause exemptions was enacted in the 2010 regular session. Section 30, ch. 2010-210, L.O.F. Since these provisions became effective on May 31, 2010, the state board has granted 16 good cause exemptions. Florida Department of Education, *State Board of Education Agenda for June 15, 2010, Action Item No. 6*, at 1 (June 15, 2010), available at [http://www.fldoe.org/board/meetings/2010\\_06\\_15/covervpk.pdf](http://www.fldoe.org/board/meetings/2010_06_15/covervpk.pdf); Florida Department of Education, *State Board of Education Agenda for Aug. 23, 2010, Action Item No. 1*, at 1 (Aug. 23, 2010), available at [http://www.fldoe.org/board/meetings/2010\\_08\\_23/covervpk.pdf](http://www.fldoe.org/board/meetings/2010_08_23/covervpk.pdf).

<sup>70</sup> Florida Department of Education, *State Board of Education Meeting Agenda for March 26, 2010, Action Item No. 14*, at 2 (March 26, 2010), available at [http://www.fldoe.org/board/meetings/2010\\_03\\_26/covervpk.pdf](http://www.fldoe.org/board/meetings/2010_03_26/covervpk.pdf). Email, Florida Department of Education, Legislative Affairs Director (Sept. 28, 2010).

## What funding is provided for the VPK program?

AWI has established payment procedures and a uniform attendance policy used for funding purposes.<sup>71</sup> Funds are distributed monthly to ELCs for payments to private prekindergarten providers and public schools.<sup>72</sup> Each ELC is advanced funds based on projected attendance. Once school begins, parents certify attendance each month for the prior month.<sup>73</sup> Subsequent funds are reconciled based on actual attendance.<sup>74</sup>

<b>VPK Program Funding: FYs 2008-09 to 2010-11</b>			
	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
<b>Total Funding</b>	\$353,488,827 <sup>75</sup>	\$366,789,114 <sup>76</sup>	\$404,372,806 <sup>77</sup>
<b>Per Student Funding: School-Year Program</b>	\$2,575 <sup>78</sup>	\$2,575 <sup>79</sup>	\$2,562 <sup>80</sup>
<b>Per Student Funding: Summer Program</b>	\$2,190 <sup>81</sup>	\$2,190 <sup>82</sup>	\$2,179 <sup>83</sup>

Funds for the VPK program are appropriated to DOE, but are transferred to AWI for disbursement to the early learning coalition and payment to providers and schools.<sup>84</sup> To adjust for county-by-county price-level differences, the per-student allocation paid to providers or schools in a county is weighted according to a calculation known as the district cost differential.<sup>85</sup>

<sup>71</sup> Section 1002.71(5)(b) and (6)(d), F.S.; rule 60BB-8.204, F.A.C.

<sup>72</sup> Section 1002.71(5)(b), F.S.

<sup>73</sup> Section 1002.71(6)(b)1. and 2., F.S.

<sup>74</sup> Section 1002.71(5)(b), F.S.

<sup>75</sup> Specific Appropriations 79, s. 2, and 2236, s. 6, ch. 2008-152, L.O.F.; specific appropriation 40, s. 2, ch. 2009-1, L.O.F. In 2009, Special Session A, the Legislature reduced total program funding from \$354,349,575 to \$353,488,827. Specific Appropriation 40, s. 2, ch. 2009-1, L.O.F.

<sup>76</sup> Specific Appropriations 74, s. 2, and 2160, s. 6, ch. 2009-81, L.O.F.

<sup>77</sup> Specific Appropriations 75, s. 2, and 2246, s. 6, ch. 2010-152, L.O.F.

<sup>78</sup> Specific Appropriation 79, s. 2, ch. 2008-152, L.O.F. (proviso language); specific appropriation 40, s. 2, ch. 2009-1, L.O.F. In 2009, Special Session A, the Legislature reduced the base student allocation for school year program services provided during the period from February 1, 2009, through June 30, 2009, from \$2,628 to \$2,575. Specific Appropriation 40, s. 2, ch. 2009-1, L.O.F.

<sup>79</sup> Specific Appropriation 74, s. 2, ch. 2009-81, L.O.F. (proviso language).

<sup>80</sup> Specific Appropriation 75, s. 2, ch. 2010-152, L.O.F. (proviso language).

<sup>81</sup> Specific Appropriation 79, s. 2, ch. 2008-152, L.O.F. (proviso language); specific appropriation 40, s. 2, ch. 2009-1, L.O.F. In 2009, Special Session A, the Legislature reduced the base student allocation for summer program services provided through June 30, 2009, from \$2,628 to \$2,190. Specific Appropriation 40, s. 2, ch. 2009-1, L.O.F.

<sup>82</sup> Specific Appropriation 74, s. 2, ch. 2009-81, L.O.F. (proviso language).

<sup>83</sup> Specific Appropriation 75, s. 2, ch. 2010-152, L.O.F. (proviso language).

<sup>84</sup> Section 1002.71(5)(b), F.S.; see, e.g., specific appropriations 75, s. 2, and 2246, s. 6, ch. 2010-152, L.O.F.

<sup>85</sup> Sections 1002.71(3)(b) and 1011.62(2), F.S.

The State Constitution does not require the VPK program to provide transportation for students,<sup>86</sup> and current law does not earmark funding for transportation.<sup>87</sup> However, a private provider or public school may use part of its VPK funding for student transportation.<sup>88</sup>

***Where can I get additional information?***

***Agency for Workforce Innovation***

Office of Early Learning

(850) 921-3180

<http://www.floridajobs.org/earlylearning/VPK%20Program.html>

***Department of Education***

Office of Early Learning

(850) 245-0445

<http://www.fldoe.org/earlylearning>

***Department of Children and Family Services***

Child Care Services Program Office

(850) 488-4900

<http://www.myflorida.com/childcare>

***Florida House of Representatives***

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

***Florida House of Representatives***

Appropriations Committee

(850) 488-6204

<http://www.myfloridahouse.gov>

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<sup>86</sup> See s. 1(b) and (c), Art. IX of the State Constitution.

<sup>87</sup> See, e.g., specific appropriations 79, s. 2, and 2236, s. 6, ch. 2008-152, L.O.F.

<sup>88</sup> Section 1002.71(9), F.S.